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# Book Review. Rationale of Proximate Cause by Leon Green

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Boston. The careers of these 820 delinquents were followed until they were all two or more years above the juvenile age. It is interesting to note that fifty per cent of the Chicago cases had adult court records as compared with only 21 per cent of the Boston series.

Still more important is the fact that of the Chicago failures, 14 committed homicide, whereas there were no homicides in the Boston series. Furthermore, Chicago's failures showed 39 professional criminals as contrasted with one professional criminal in the Boston group. The dissimilarities in outcomes of these two delinquent groups are not explained by differences in human material, but rather in the differences in methods of approach and treatment. In these latter respects the two cities were far apart at the time of the study.

One is likely to wonder whether the large percentage of failures among the Chicago delinquents was not due to the fact that these cases were more serious. In so far as this is true it is a reflection upon the methods of handling pre-delinquents and semi-delinquents in Chicago, as compared with Boston.

We have for the first time in this field, an array of factual data based upon years of practical and scientific investigation. The material is well organized. The explanations are clear and free from bias.

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RATIONALE OF PROXIMATE CAUSE: LEON GREEN. Vernon Law Book Company. Kansas City, Mo. 1927, pp. 216, VIII.

This book purports to be an analysis of the various factors which have made proximate cause a puzzling conception for lawyers and judges. There are several things to recommend the volume. In the first place it is written in a clear, incisive style—almost laconic in places. In the next place, it is an unusually keen sifting out of the meat of a large number of cases where legal cause is obscured behind a welter of learned nonsense. The writer takes the position that in many so-called "proximate cause" cases, the real issue is simply one of policy, involving the finding of a practical, workable rule derived from a weighing of interests, which, if recognized as the real issue, would result in at least intelligible decisions which, when unsound, could be subsequently modified or corrected with a minimum of disturbance to the legal order. This, indeed, is far more than can be said for many judicial disquisitions on proximate cause.

The most convincing part of the author's argument consists of the many cases which he cites and discusses on the basis of their factual contents. This it is that makes the book useful to teachers and students as well as practitioners and judges.

Many cases clearly indicate how courts have mistaken negligence questions for proximate cause problems, and how frequently the test for negligence is employed to work out a problem in causation which in fact never existed.

Far more serious is the common mistake of assuming a proximate cause

problem when the real one is to determine whether the plaintiff's interest which has been violated is one for the protection of which there is a rule of law available. The result here, of course, is to throw upon juries the most delicate of all legal problems, those which have at their basis the broadest considerations of public policy and evaluation of interests.

And it is thus that this analysis emphasizes the legislative phases of the judicial process. One may be inclined to question certain steps in the author's analytical process, but one cannot deny that he has rendered a great service in eliminating formulae which are too frequently employed to either hide the legislative activities of courts or to shunt them off to less responsible agencies. When we have law made, the law-makers should know that they are making it, and should realize the high importance of their calling.

Incidentally, the result of this analysis, if properly employed, should tend to remove the law of torts from the field of speculation for the ambulance chaser, and should render it a proper subject for the application of a more accurate and more predictable legal science.

Most of the important literature on the subject has been treated or referred to by the author. Some important contributions, however, have unfortunately been neglected.

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